

REMARKS

The Office Action mailed September 20, 2004 has been reviewed and the comments of the Patent and Trademark Office have been considered. Claims 1-28 were pending in the application. Claims 1, 13, and 25 have been amended, claims 4-5 and 16-17 have been cancelled without prejudice or disclaimer and no new claims have been added. Therefore, claims 1-3, 6-15, and 18-28 are pending in the application and presented for consideration.

This Amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, are presented, with an appropriate defined status identifier.

In the Office Action, claim 27 is rejected under U.S.C. § 112, second paragraph, as being indefinite. In reply, applicants have amended claim 27 to address the issue noted in the Office Action and submit that claim 27 is now in definite form and meets the requirements of § 112, second paragraph.

In the Office Action, claims 1-28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent no. 6,058,379 to Odom et al. (hereafter "Odom") in view of U.S. Patent Application (Publication No. 2003/0014326) to Ben-Meir et al. (hereafter "Ben-Meir"). Applicants respectfully traverse these rejections for at least the following reasons.

Each of the independent claims 1, 13, and 25 recite, *inter alia*, that the automated auction includes calculating a composite score for each bid that includes a value for a category that is provided by the sponsor of the auction that relates to an evaluation of the bidding participant by the sponsor. This recited feature is not disclosed or suggested by any of the applied references. Therefore, the pending independent claims are believed to be patentable over the applied references.

Specifically, with respect to this feature, the office action cites to col. 5, lines 5-25, col. 6, lines 35-38, and claims 5 and 17 of Odom. Col. 5, lines 5-25 only discloses the information that may be entered on how the exchange will work and the rules that will operate under. There is no teaching or suggestion that the a composite score for each bid is calculated to include *a value for a category that is provided by the sponsor of the auction that relates to an evaluation of the bidding participant by the sponsor*.

Col. 6, lines 35-38 state:

The system may have rules in place that allow only predetermined increments...depending on the particular estimated cost of the item.

Clearly this disclosure of the Odom reference is not relevant to the features discussed above. Likewise, claims 5 and 17 of the Odom reference relate to listing information about the commodity being auctioned (claim 5) and chatting between two purchasers (claim 17) which are also not relevant to claimed features discussed above. Therefore, Odom does not disclose or suggest the features recited in the pending independent claims.

Neither is the deficiency in Odom cured by Ben-Meir. Therefore, the office action fails to make a *prima facie* case of obviousness with respect to the pending independent claims.

Specifically, Ben-Meir discloses in the cited paragraph [0096] that requirements for a bid solicitation may be entered which may include scores and weights for the requirements. There is no teaching of entering a value for a category that relates to an evaluation of a particular participant by the sponsor of an auction. Therefore, neither Odom nor Ben-Mier nor their reasonable combination discloses or suggests features that are recited in the pending independent claims 1, 13, and 25. Accordingly, the pending independent claims are believed to be patentable over the applied prior art.

The dependent claims are also in condition for allowance for at least the same reasons, as discussed above, as the independent claims on which they ultimately depend. In addition, they recite additional patentable features when considered as a whole.

Applicants respectfully request entry of the instant amendment because it is believed to place the application in condition for allowance. It should be noted that the features added to the independent claims were already recited pending claims 4-5 and 16-17 (now cancelled) and, therefore, entry of these new amendments should not raise any new issues. If there are any questions regarding the application, or if an examiner's amendment would facilitate the allowance of one or more of the claims, the examiner is courteously invited to contact the undersigned attorney at the local telephone number below.

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge deposit account No. 19-0741 for any such fees; and applicants hereby petition for any needed extension of time.

Respectfully submitted,

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FOLEY & LARDNER LLP (Monday)
Customer Number: 22428
Telephone: (202) 672-5485
Facsimile: (202) 672-5399

By Aaron C. Chatterjee
William T. Ellis
Registration No. 26,874

Aaron C. Chatterjee
Registration No. 41,398
Attorneys for Applicants